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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
 )  
Southwestern Bell Telephone Company )  
Petition for Forbearance From Application )  
of Section 272 of the Act to Previously )  
Authorized Telecommunications Relay )  
Services )

CC Docket No. 96-149

**REPLY OF SOUTHWESTERN BELL TELEPHONE COMPANY**

Southwestern Bell Telephone Company ("SWBT") files these reply comments regarding its petition ("Petition") that the Commission forbear from applying the separate affiliate and other requirements of Section 272 to SWBT's Telecommunications Relay Services ("TRS").

SWBT's Petition demonstrated, pursuant to Section 10(a) of the Act,<sup>1</sup> that its very limited interLATA provision of TRS should not be subject to Section 272. SWBT showed that application of Section 272 is not necessary to ensure just, reasonable and nondiscriminatory charges and practices or to protect consumers, and that forbearance is consistent with the public interest.<sup>2</sup> Moreover, SWBT's case for forbearance is even more compelling given that the amount of interLATA TRS traffic is limited to but one state

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<sup>1</sup> 47 U.S.C. Section 160(a).

<sup>2</sup> SWBT's Petition, at 4-6.

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(Kansas), and such traffic constitutes only 5 to 7.5% of all TRS traffic in Kansas, a truly de minimis figure.<sup>3</sup>

MCI agrees that “there is no reason not to grant SWBT’s request as to the application of all of the separation and nondiscrimination requirements of Section 272.”<sup>4</sup> MCI does not take issue with SWBT’s showing under Section 10(a), and also states that it “has not identified any competitive interests that would be compromised by forbearance from the application of the nondiscrimination requirements of Section 272(c) and (e) to SWBT’s TRS in Kansas.”<sup>5</sup>

AT&T, however, did not endorse the Petition. Criticizing SWBT’s reliance on a waiver granted by the MFJ Court, AT&T charges that the Court and the Department of Justice “did not address the implications of TRS services for potential competitors in the local exchange market.”<sup>6</sup> If AT&T has identified any competitive interest that would be compromised as a result of approving SWBT’s Petition (though MCI did not), it should be required to step up and say so. At present, however, AT&T’s comments should be dismissed out of hand as presenting a strawman issue without even bothering to take a position on it. In any case, there is no indication whatsoever that local exchange competitors would be impacted

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<sup>3</sup> Id., at 3 & n. 8.

<sup>4</sup> MCI Comments, at 3.

<sup>5</sup> Id.

<sup>6</sup> AT&T Comments, at n. 2.

even to the slightest degree (much less adversely) were the Commission to grant SWBT's Petition.<sup>7</sup>

SWBT also notes that on June 30, Ameritech filed a supplement to its TRS Petition for Forbearance. The considerations advanced by Ameritech in support of its Petition<sup>8</sup> are equally applicable to SWBT's Petition. Thus, SWBT incorporates by reference herein these considerations in support of its own Petition.

Finally, on July 10, SWBT, Pacific Bell and Nevada Bell submitted a letter to the Commission providing certain additional information and arguments in support of their E911-related Petitions for Forbearance. The arguments presented in the letter, a copy of which is attached hereto, are likewise applicable to SWBT's TRS Petition. Thus, SWBT hereby incorporates them by reference herein.

In conclusion, the Commission should approve SWBT's Petition for Forbearance. No party has cited a single reason why approval would not meet the standards of Section 10(a), and MCI candidly agrees that approval is appropriate. Moreover, given that the amount of interLATA traffic involved is de minimis at best, SWBT should not be forced into a Hobson's choice -- either erecting a separate infrastructure designed to serve only interLATA TRS traffic (while retaining the present infrastructure to serve only intraLATA TRS traffic), or reconfiguring the present infrastructure so that no interLATA transmissions are involved.

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<sup>7</sup> Further, a finding under Section 10(b) that forbearance would promote competitive market conditions is not necessary where the standards of Section 10(a) have been met. Were it otherwise, no petition could ever be granted that, while neutral to competitive impact, would clearly advance the public interest, as is the case with SWBT's TRS.

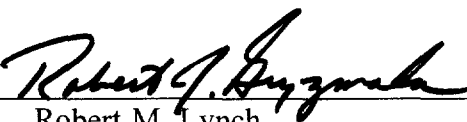
<sup>8</sup> Ameritech Letter, filed June 30, 1997, at 9-12.

Both would cause greater costs that cannot be justified, either on competitive or consumer interest grounds.

Thus, the Commission should approve SWBT's Petition expeditiously.

Respectfully submitted,

SOUTHWESTERN BELL TELEPHONE COMPANY

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July 25, 1997

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July 10, 1997

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Mail Stop 1170  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

**Re: Petitions for Forbearance of Southwestern Bell Telephone Company,  
Pacific Bell and Nevada Bell from the Application of Section 272 to  
Previously Authorized E911 Services and Operations  
(CC Docket No. 96-149)**

Dear Mr. Caton:

Southwestern Bell Telephone Company ("SWBT"), and Pacific Bell and Nevada Bell ("Pacific"), submit this letter to provide certain supplemental information recently requested by the Commission regarding SWBT's and Pacific's above-referenced Petitions.<sup>1</sup> While these Petitions fully meet the standards for forbearance stated in Section 10 of the Communications Act, as amended ("the Act"),<sup>2</sup> SWBT and Pacific are mindful of the compelling need to ensure that their E911 services and operations continue uninterrupted. Thus, the information provided herein has been prepared so that the Commission may move swiftly to grant their Petitions.

This letter provides information further describing SWBT's and Pacific's E911 services and operations, suggests the proper analytical approach to considering the merits of their Petitions, and finally, further details why forbearance from the separate affiliate and other requirements of Section 272 is particularly compelling in light of the three standards of Section 10(a) of the Act.

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<sup>1</sup>SWBT filed its Petition for Forbearance on March 17, 1997. Pacific filed its Petition for Forbearance on March 19, 1997. SBC Communications Inc. filed reply comments in support of both Petitions on May 6, 1997.

<sup>2</sup>47 U.S.C. Section 160.

Mr. William F. Caton

Page 2

July 10, 1997

## **I. E911 Service Description**

To aid the Commission's understanding of SWBT's and Pacific's E911 dedicated network architecture, a call-flow diagram and accompanying explanation are provided as Attachment 1. As indicated there, the interLATA-related nature of the services stems from their reliance upon "remote" Automatic Location Identification ("ALI") databases and database management systems ("DBMSs"), i.e., databases serving multiple LATAs rather than a separate database in each LATA.

Typically, each E911 Selective Routing ("SR") switch also is a local central office switch. However, a "dedicated 911 network" consists of dedicated lines that connect other central office switches to the SR switch, and dedicated lines from the SR switch to each Public Safety Answering Point ("PSAP").

The database processing functions which control the switching of a given 911/E911 call (as a local call from a caller to the PSAP serving the caller's community) is performed by a computer with specialized software situated at a central site. SWBT houses and administers more than 15 million subscriber records in its databases. One DBMS and one ALI database, both located in St. Louis, serve SWBT and various independent companies in Arkansas, Kansas, Missouri and Oklahoma. Another DBMS, and one ALI database located in each of Dallas and Houston, serve SWBT and various independent companies in Texas. Pacific houses and administers more than 17 million subscriber records in its databases. One DBMS located in Buena Park, and one ALI database located in each of Buena Park and Oakland, serve Pacific and various independent companies in California and Nevada.

These centralized database arrangements have been in place for many years, though they have evolved as technology has allowed ever more sophisticated and useful ways to contend with the multitude of varying boundaries used to define telephone exchanges, cities and counties. This architecture maximizes efficiency, reliability, accuracy, and disaster planning/service restoration. These considerations were the prevalent considerations supporting MFJ relief, and they are no less important today.

Mr. William F. Caton  
Page 3  
July 10, 1997

**II. The Commission should strive to apply forbearance standards flexibly, particularly in matters of vital public interest such as E911 services which promote safety of life and property.**

Section 10(a)<sup>3</sup> of the Act requires that the Commission forbear from the application of any provision of the Act if it determines that:

(1) enforcement of such regulation or provision is not necessary to ensure that the charges, practices, classifications, or regulations by, for, or in connection with that telecommunications carrier or telecommunications service are just and reasonable and are not unjustly or unreasonably discriminatory;

(2) enforcement of such regulation or provision is not necessary for the protection of consumers; and

(3) forbearance from applying such provision or regulation is consistent with the public interest.

While the statute requires the Commission to consider each standard, the statute does not require the Commission to apply any in a wooden, inflexible way, or to give each standard prescribed or equivalent weight. Rather, the statute permits, and good public policy requires, that the Commission apply these standards flexibly on a case-by-case basis to account for the myriad of situations that may arise. For instance, the Commission recently imposed a more exacting factual showing regarding a request for forbearance from the mandatory tariff filing requirements applicable to non-ILEC providers of interstate exchange access services, while permitting a more relaxed factual showing regarding a request for forbearance to permit issuance of one-time refunds of charges for SMS/800 Functions Tariff services.<sup>4</sup>

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<sup>3</sup>47 U.S.C. Section 160(a).

<sup>4</sup>Compare, Hyperion Telecommunications, Inc. Petition Requesting Forbearance, CCB/CPD Nos. 96-3 and 96-7, CC Docket No. 97-146, FCC 97-219, Memorandum Opinion and Order, released June 19, 1997 (“Hyperion Order”), at paras. 21-29, with, Petition for Forbearance From Application of the Communications Act of 1934, as Amended, to Previously Authorized Activities, DA 97-1337, Memorandum Opinion and Order, released June 27, 1997 (“SMS/800 Functions Tariff Order”).

Mr. William F. Caton

Page 4

July 10, 1997

These considerations are directly pertinent to SWBT's and Pacific's E911 Petitions. First, both call upon the Commission's obligation to "promot[e] safety of life and property through the use of wire and radio communication."<sup>5</sup> Simply put, because the Commission's mission is so clear here, and the potential degree of harm due to any misstep so great, the Commission should not require the detailed and exhaustive factual showing that might be appropriate elsewhere. Second, definitive Commission and MFJ Court rulings have allowed the BOCs to provide E911 services efficiently, on an integrated basis, and without interruption for many years. These rulings have led to legitimate expectations held by the BOCs, their governmental customers and the public generally that regulation will advance these expectations, not defeat or even hinder them. Third, there is some doubt that E911 services are at all "enhanced" or "information" services in the first instance.<sup>6</sup> This is important, as the Commission has concluded that "previously authorized" interLATA telecommunications services are not subject to the separate affiliate and other requirements of Section 272.<sup>7</sup>

**III. Enforcement of the separate affiliate and other requirements of Section 272 is not necessary to ensure just and reasonable E911 rates or prevent unreasonably discriminatory practices**

The rates, terms and conditions under which SWBT and Pacific provide E911 services are reflected in detailed tariffs approved by state commissions in each of the seven states in which these companies operate on an in-region basis, often in

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<sup>5</sup>47 U.S.C. Section 151.

<sup>6</sup>The Commission has previously identified several E911 features that "might be said to be enhanced" without, however, squarely deciding the issue. Letter of Gary M. Epstein, Chief, Common Carrier Bureau, to Alfred A. Green, American Telephone and Telegraph Company, December 30, 1982 ("Commission E911 Letter") (Attachment 2). E911's principal features, including Automatic Number Identification (display of the calling number), Selective Routing (routing to the appropriate location) and the portion of Automatic Location Identification displaying the caller's location, would today be regarded as "adjunct to basic" (if not entirely "basic") and a "telecommunications service," under any reasonable reading of later-developed legal principles. NATA Centrex Order, 101 FCC 2d 349 (1985); see also, 47 U.S.C. Section 153 (20), (43) and (46).

<sup>7</sup>Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149, FCC 96-489, First Report and Order, released December 24, 1996 ("Non-Accounting Safeguards Order"), at para. 76.



Mr. William F. Caton  
Page 5  
July 10, 1997

conjunction with state statutes governing the subject.<sup>8</sup> There can be no claim (and none has been made) that this extensive state regulation has proven unable to ensure just and reasonable E911 rates; indeed, the reverse is true.

Moreover, E911 customers are limited to governmental bodies. The delivery of these services is typically coordinated with a host of various state, county, city and other community public safety agencies and representatives responsible for police, fire, ambulance and paramedic operations. These government authorities are neither naive nor unsophisticated in aggressively representing their constituencies' telecommunications and E911 interests, whether at the legislature or with regulators, and whether at the federal or state level.

The availability of state and federal regulatory vehicles by which to file complaints provides but another mechanism for ensuring that E911 rates are just, reasonable and nondiscriminatory. As the Commission has concluded in a different context, "reliance on the complaint process will be sufficient to assure that...rates are reasonable."<sup>9</sup> This conclusion, however justified with respect to non-incumbent LECs (which was the context of the holding), is nonetheless directly applicable to the BOCs' continued provision of E911 service, particularly at the state level where such matters receive immediate attention.

These factors - the presence of pervasive state regulation, the expertise and sophistication of the customer, and direct access to political and regulatory audiences to resolve complaints - render any question of whether SWBT and Pacific are entitled to forbearance a largely academic exercise at best. To the extent that it is otherwise, the facts and Commission precedent provide the Commission with an ample record on which to conclude that SWBT and Pacific meet the first of the three standards of Section 10(a).<sup>10</sup>

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<sup>8</sup>E.g., Ark. Code Ann. Section 12-10-301 et seq.; Cal. Gov't Code Section 53100 et seq. (Deering 1987); K.S.A. Sections 12-5301 et seq. (1996), 66-101 et seq. (1992) & 66-1187 (1996); Mo. Rev. Stat. Sections 190.300 (Vernon 1994), 190.305 (Vernon 1996) & 386.020(4) (Vernon 1996); Nev. Rev. Stat. Sections 244A.7641 - 244A.777, 268.765 - 268.777, 707.340 & 707.370 (1995); Okla. Rev. Stat. tit. 63, Section 2811 et seq.; Tex. Rev. Civ. Stat. Ann. Art. 1446c-0, Sections 3.353(a) & 3.356(a) (West Supp. 1996).

<sup>9</sup>Hyperion Order, at para. 25. (further citation omitted).

<sup>10</sup>See, SMS/800 Functions Tariff Order, at para. 9 (citing the existence of tariff requirements, various provisions of the Act, and the availability of the complaint  
(continued...))

Mr. William F. Caton  
Page 6  
July 10, 1997

**IV. Enforcement of the separate affiliate and other requirements of Section 272 of the Act is not necessary for the protection of consumers.**

For the same reasons that SWBT's and Pacific's Petitions meet the first standard of Section 10(a), they also meet the second standard. Indeed, in both of its most recent forbearance orders, the Commission has concluded that the second standard has been met by the same facts and analysis applied to the first standard.<sup>11</sup>

On the other hand, placing Section 272 requirements on SWBT's and Pacific's E911 services and operations would harm customers and the public generally. Both companies would be faced with two most unattractive options. The first would be to reconfigure their E911 database, transmission and provisioning arrangements to ensure that E911 services are delivered on an exclusively intraLATA basis (thus mooted Section 272). The second would be to form and hire personnel for a new Section 272 affiliate, with its own network and facilities but without any reliance on BOC personnel to operate, install or maintain them, and without any ability to perform operations, installation or maintenance functions on the portions of the BOCs' networks inextricably linked to the delivery of E911 service.<sup>12</sup> Implementing either of these options at the Commission's directive would directly, immediately and adversely impact two aspects of E911 service of paramount concern to local governments and the public: the need to deliver E911 on an integrated and uninterrupted basis, and the need to preserve a fairly stable rate structure.

Required duplication of the centralized database arrangements and other resources (including facilities and personnel), whether in each LATA or in a newly formed Section 272 affiliate, would significantly increase the costs of E911 service. The actual costs of either option cannot be projected with any reasonable degree of

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<sup>10</sup>(...continued)

process as ensuring just, reasonable and nondiscriminatory rates); Hyperion Order, at paras. 24-25 (referring to the regulation of LEC rates and the availability of the complaint process to support forbearance for non-incumbent LECs).

<sup>11</sup>SMS/800 Functions Tariff Order, at para. 10 ("For the same reasons we also conclude that enforcement...is not necessary to protect consumers, and that the second criterion for forbearance is established."); Hyperion Order, at para. 26 ("As explained above, tariffing is not necessary to assure that rates are just and reasonable. Therefore, tariffing of non-ILEC rates is also not necessary to protect their customers. Accordingly, the petitions meet the second of the statutory forbearance criteria.")

<sup>12</sup>Non-Accounting Safeguards Order, at para. 158.

Mr. William F. Caton

Page 7

July 10, 1997

accuracy. However, SWBT and Pacific are quite confident that the costs associated with the first option would be very significant and, at a minimum, in excess of \$ 70 million. Although the costs of implementing the second option might seem intuitively to be a bit less (given that option's ability to preserve network efficiencies associated with the current mode of E911 network architecture), that assumption could be overcome by the need to duplicate the BOCs' dedicated E911 networks, to hire and train employees, and to otherwise comply with the plethora of Section 272 requirements.

Further, implementing the first option would vastly compound the administrative burdens that would be placed not only upon SWBT and Pacific, but also upon the several 911 agencies and other LECs served by their centralized database management systems. It is well-known that 911 agency boundaries and telephone company boundaries do not coincide, even at the LATA boundary level. The costs to SWBT and Pacific regarding these aspects of either of the above options are not easily calculated.

For the reasons stated in support of the first standard, SWBT and Pacific meet the second standard. Further, any Commission finding to the contrary resulting in a denial of their Petitions would significantly threaten the consumers of E911 services, including local governments and the public whose life and property depend on E911 services.

**V. Forbearance is consistent with the public interest.**

There can be no doubt that subjecting SWBT's and Pacific's E911 services and operations to the Section 272 separate affiliate and other requirements would not serve the public interest. To the contrary, doing so would defeat the public interest. Since divestiture, these companies, and other BOCs, have been providing E911 services without interruption, and both the Commission and the MFJ Court granted them full authority to do so on an integrated basis. The importance of these facts is far greater than that of similar facts relied upon by the Commission in 1995 when it waived the Computer II structural separation rules that might otherwise have applied to the BOCs' previously-approved enhanced services offerings.<sup>13</sup> In the

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<sup>13</sup>Bell Operating Companies' Joint Petition for Waiver of Computer II Rules, Memorandum Opinion and Order, 10 FCC Rcd 1724 (1995) ("Interim Waiver Order"), at para. 26 (noting among other things that the BOCs had been offering enhanced services on an integrated basis for more than six years; that millions of customers depended upon these services; that there existed a legitimate public expectation that

(continued...)

Mr. William F. Caton  
Page 8  
July 10, 1997

E911 context - with its inextricable link to the preservation of life and property - it would be an understatement to say, as has the Commission in other contexts, that Section 272 represents a "significant regulatory barrier."<sup>14</sup>

To the extent that the Commission perceives any competitive impact to be associated with the continued provision of E911 services on an integrated basis, the Department of Justice has long since concluded that allowing the BOCs to provide interLATA 911 and E911 services is in the public interest.<sup>15</sup> Specifically, the Department found that "Regional Company provision of this limited and specialized type of interexchange service does not present any threat to competition among interexchange service providers." The Commission's grant of forbearance would not alter the continuing validity of this determination, and no one has shown otherwise. Nor would it adversely impact competing LECs, who already are benefitted by the Act's "competitive checklist" provisions allowing them nondiscriminatory access to 911 and E911 services.<sup>16</sup>

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<sup>13</sup>(...continued)

these services would continue to be provided pursuant to previous authorizations granted, and that absent a waiver, the BOCs could be forced to suspend certain services, thus causing severe customer dislocation and confusion). All of these characteristics are shared by SWBT's and Pacific's E911 operations. However, the customer dislocation and other harm that might have been caused had the Commission not allowed the BOCs a waiver regarding enhanced services generally pales in comparison to the potential harm that any disruption of E911 services might cause.

<sup>14</sup>Non-Accounting Safeguards Order, at para. 95.

<sup>15</sup>Letter from Constance K. Robinson, Chief, Communications & Finance Section, U.S. Department of Justice Antitrust Division, to Alan F. Ciamporcerro, Pacific Telesis Group, March 27, 1991 (Attachment 3).

<sup>16</sup>47 U.S.C. 271(c)(2)(B)(vii)(I). Indeed, the mere fact of such access reflects Congress' assumption and that of the telecommunications industry that the BOCs (not any Section 272 affiliates) would remain obligated to provide local service providers access to 911/E911 networks and the associated database processing essential to provision of 911/E911 services. Similarly, one would expect that to the extent that state commissions may hold SWBT and Pacific to "carrier of last resort" obligations in connection with 911/E911 services, they may not tolerate these services and operations being placed within a Section 272 affiliate, particularly where their state statutes grant them less jurisdiction as to such affiliates than as to LECs generally.

Mr. William F. Caton  
Page 9  
July 10, 1997

MCI has sought to hold SWBT's and Pacific's (and others') Petitions hostage, using them as leverage to secure from the Commission a ruling that nondiscrimination requirements equivalent to Section 272(c)(1) and (e) should be imposed on the BOCs' provision of E911 service. However, apart from simply saying it should be so, MCI doesn't say why, either from a public interest or business perspective. Moreover, its request ignores the checklist provision and the complaint (or legislative) process if MCI is unhappy with it. MCI also ignores the fact that SWBT and Pacific have requested that the E911 services provided by them should be excluded from those "for which a separate affiliate is required" under Section 272(a)(2) and Commission Rule 53.201(a)(1).<sup>17</sup> Where no separate affiliate is formed in the first instance, Section 272(c)(1), 272(e)(2) and 272(e)(4) have no "frame of reference" and are inapplicable.<sup>18</sup>

SWBT and Pacific understand that some have observed that the Act already imposes separate affiliates in certain instances. Presumably, the point is meant to support an argument that separate E911 services and operations would not harm the public interest. However, both the observation and its presumed inference miss the mark. The observation simply begs the question of whether forbearance is appropriate in certain factual settings. Indeed, it ignores the fact that where forbearance is appropriate under the standards established by Section 10 of the Act, forbearance must be granted. And, as shown in SWBT's and Pacific's submissions to date and the Commission's own previous determination, the inference is also wrong -- subjecting E911 services and operations to the significant regulatory barrier of Section 272 would harm the public. No more telling evidence exists than the Commission's conclusion reached almost 15 years ago:

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<sup>17</sup>Reply Comments of SBC, filed May 6, 1997, at p.2 & n.3.

<sup>18</sup>Non-Accounting Safeguards Order, at para. 270. MCI does not demonstrate how Section 272(e)(1) or (e)(3) relates to provision of E911 service or, even if so, how these provisions would interrelate with "nondiscriminatory access" pursuant to the Act's competitive checklist provisions. Moreover, these provisions relate only to the provision of "telephone exchange service" or "exchange access service." In this connection, NYNEX correctly points out that "to the extent E911 is considered a telephone exchange service or exchange access service, it is not an interLATA information service, and therefore forbearance would not be necessary in this matter; and to the extent E911 constitutes interLATA information service, the Section 272(e)(1) and (e)(3) provisions do not apply." NYNEX Reply Comments, filed June 16, 1997, at 2.

Mr. William F. Caton  
Page 10  
July 10, 1997

We shall not consider the question of whether the E911 service is "basic" or "enhanced" since we have determined that, in any event, the public interest requires that these services continue to be offered without interruption by the BOCs. We shall grant AT&T's request for waiver of Section 64.702 of the Commission's Rules as it applies to the E911 service. The BOCs may, therefore, continue to provide this service and the CPE and common equipment necessary to it.<sup>19</sup>

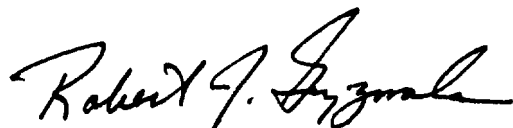
For these reasons, SWBT's and Pacific's Petitions fully meet the third standard of Section 10(a). The public interest would be advanced by the Commission's grant of both Petitions, whether viewed from consumers' or competitors' perspectives. No one demonstrates otherwise.

#### **VI. Conclusion**

The Commission need not and should not allow the processes of regulating the telecommunications industry and administering the Act to cause it to lose sight of what is probably the cardinal purpose of the Commission's being: to promote the safety of life and property through communications. SWBT and Pacific have demonstrated how their integrated E911 services and operations do so, and have also demonstrated that their Petitions meet the standards of Section 10(a) of the Act. With this letter, any lingering doubt is removed. The Petitions of SWBT and Pacific should be expeditiously granted in full and on the basis on which they were filed.

I am submitting two copies of this letter in accordance with Section 1.206(a)(1) of the Commission's rules. Please stamp and return the additional copy to confirm your receipt.

Sincerely,



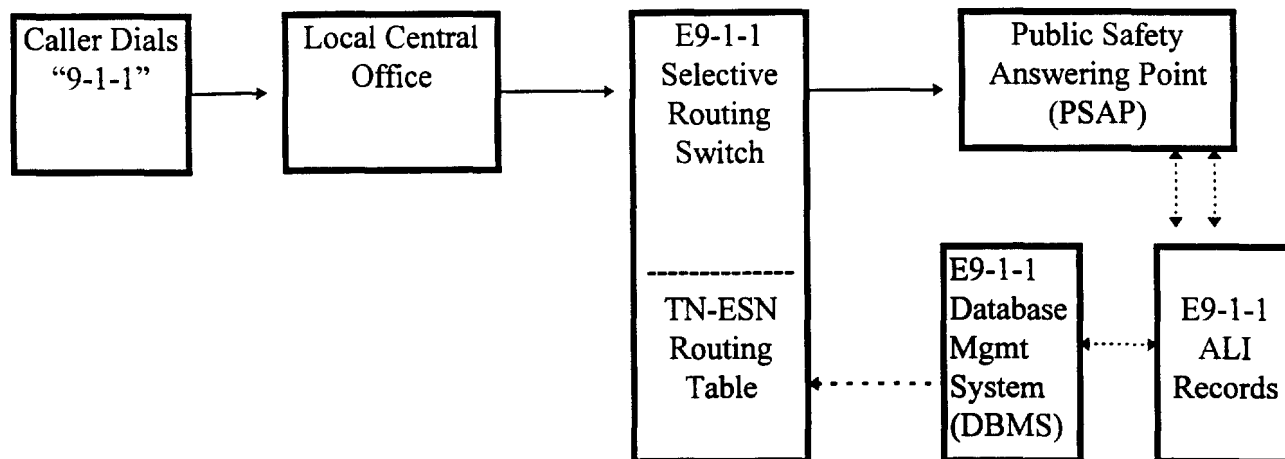
Robert J. Gryzmala

Attachments

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<sup>19</sup>Commission E911 Letter, at p. 1 (emphasis added).

## Selective Routing of a 9-1-1 Emergency Call and Location Identification Query in SWBT's and Pacific's Dedicated Enhanced 9-1-1 Networks



When a caller dials "9-1-1", the local central office routes the call over dedicated facilities to the E9-1-1 Selective Routing ("SR") Switch. The caller's telephone number is transmitted with the call.

The E9-1-1 Selective Routing Switch uses the caller's telephone number to query a TN-ESN Table that is provisioned remotely by the centralized E9-1-1 Database Management System ("DBMS"). This table contains a list of all telephone numbers and a pre-determined Emergency Service Number ("ESN") that identifies which PSAP should receive the 9-1-1 call. The ESN also enables the SR switch to perform a selective transfer feature which helps the PSAP quickly, easily, and accurately transfer a 9-1-1 emergency call to a pre-determined secondary responder such as fire or ambulance/emergency medical dispatch.

The SR switch then connects the 9-1-1 call to the PSAP over dedicated 9-1-1 lines that also send the caller's telephone number to the PSAP. This delivery of the caller's number identification on a 9-1-1 cannot be "blocked."

Special equipment at the PSAP uses the caller's telephone number to query, retrieve, and display the caller's name, address, and other information specific to that caller's address from a remote computer where Automatic Location Identification ("ALI") information files created by the DBMS are stored.

Each centralized DBMS is the computer system at the heart of the enhanced 9-1-1 system. Each creates and updates TN-ESN tables and subscribers' ALI records using PSAP jurisdiction boundaries described in files maintained by 9-1-1 agencies, and subscriber information from files submitted by telephone companies. The Local Central Office, SR Switch, and PSAP are typically, but not always, in the same LATA; the ALI database and DBMS are typically not in the same LATA as the Local Central Office, SR Switch and PSAP.



U.S. Department of Justice

Antitrust Division

Attachment 2

Page 1 of 2

CKR/GSB  
60-1-195

Judiciary Center Building  
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Washington, D.C. 20001

MAR 27 1991

Alan F. Ciamporzero, Esq.  
Pacific Telesis Group  
Pacific Telesis Center  
Room 3609  
130 Kearny Street  
San Francisco, CA 94108

Re: Pacific Telesis' E911 Emergency Service

Dear Mr. Ciamporzero:

This letter responds to your letter of October 23, 1989, to Nancy Garrison concerning E911 configurations used by Pacific Telesis, which include (1) handing-off calls delivered to E911 customers to a second public or private agency located in a separate LATA from the 911 customer, and (2) transmitting data interLATA between an E911 data base and E911 nodes, that may be in a different LATA, to public or private agency customers. In the Department's view, the E911 configurations you discuss are within the scope of the waivers granted by the decree Court on February 6, 1984 and February 2, 1989 to enable the BOCs to provide multiLATA 911 services, including E911 services.

Allowing the BOCs to provide interLATA 911 service and E911 service is in the public interest for it permits customers to reach providers of emergency services conveniently and efficiently. Moreover, the Department has previously concluded that Regional Company provision of this limited and specialized type of interexchange service does not present any threat to competition among interexchange service providers. Motion of the United States for a Waiver of the Modification of Final Judgment to Permit the BOCs to Provide MultiLATA 911 Service at 3, (November 17, 1988). However, like time and weather services, 911 service is *sui generis*, and no inference can or should be drawn from this conclusion with regard to any other interexchange service. See United States v. Western Electric Co., Civ. No. 82-0192 slip op. at 6 (D.D.C. February 8, 1988).

Further, the Department does not believe the Court's decision in United States v. Western Electric Co., Civ. No. 82-0192 Slip Op. (January 24, 1989), holding that the use of a multiLATA network architecture in conjunction with the



provision of information service gateways was a violation of the interexchange service prohibition, altered the scope of E911 waivers previously authorized by the Court. The January 24, 1989 decision focused on a much different set of circumstances and problems, most notably whether to allow the Regional Companies entry, on a limited basis, into transmission of information services, and was not meant to deny the public the unique benefits of 911 services. Indeed, in the course of the Gateways proceeding, U S WEST advised the Court that it had employed a multiLATA network architecture from the time the original waiver was entered. U S WEST Reply re Bell Atlantic's Proposed Gateway Architecture at 10-11 (November 5, 1988).

As you know, this letter represents the views of the Department and does not constitute a binding interpretation of the decree. If you have any questions about this matter, please contact George S. Baranko at (202) 514-5640.

Sincerely,

*Constance Robinson / DR*

Constance K. Robinson  
Chief  
Communications & Finance  
Section

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D. C. 20554

December 30, 1982

NO. 61210

61210

Alfred A. Green, Esquire  
American Telephone and Telegraph  
Company  
195 Broadway  
New York, New York 10007

Dear Mr. Green:

On December 17, 1982, AT&T petitioned the Commission for a declaratory ruling that the E911 service offered by the Bell Operating Companies (BOCs) is not "enhanced" under the Computer II decision, or, if that service is "enhanced", for a waiver of Section 64.702 of the Commission's Rules and Regulations (47 C.F.R. §64.702) as it applies to the E911 service. AT&T also requested that a waiver be granted to allow the BOCs to continue providing the CPE and common equipment necessary for the provision of E911 service.

We shall not consider the question of whether the E911 service is "basic" or "enhanced" since we have determined that, in any event, the public interest requires that these services continue to be offered without interruption by the BOCs. We shall grant AT&T's request for waiver of Section 64.702 of the Commission's Rules as it applies to the E911 service. The BOCs may, therefore, continue to provide this service and the CPE and common equipment necessary to it.

The E911 service enables a caller in an emergency to dial "911" without charge and receive assistance from the proper emergency agency. There are several 911 services which vary in complexity and features they offer. The E911 service is the most comprehensive. It includes several features which might be said to be "enhanced": Automatic Number Identification (ANI) which permits the caller's telephone number to be transmitted to the public service answering point (PSAP) for display; Selective Routing (SR) which insures that a 911 call is routed to the proper PSAP for the caller's location; and Automatic Location Identification (ALI) which displays at the PSAP the caller's location plus any related information necessary to responding to the emergency, e.g., whether the address is an apartment, or whether the resident is handicapped.

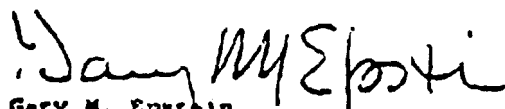
Under the Computer II decision, after January 1, 1983 AT&T may offer enhanced services only through its new subsidiary established for that purpose, American Bell, Inc. If the BOCs were prohibited from providing the E911 service after January 1, 1983, it is not clear that any other service provider would, or could, fill the void.

Alfred A. Green, Esquire  
American Telephone and Telegraph Company  
Page Two

The customer base for this service is limited to governmental bodies. Since the class of customers is limited, the pool of potential equipment suppliers might well also be limited. There is, therefore, a risk that the equipment necessary to provision of E911 services would not be available if the BOCs were not permitted to provide it.

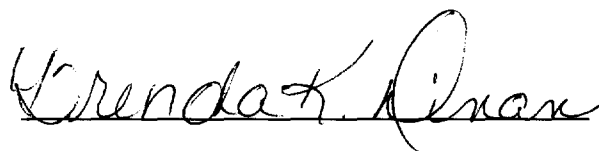
In sum, it appears that allowing the BOCs to offer the E911 service at this time poses no threat to the long term competitive goals of Computer II. The possible detriment of the public interest in disrupting these services, however, is large. AT&T's request for a waiver of Section 64.702 of the Rules as it applies to provision of the E911 service is, therefore, granted.

Sincerely yours,

  
Gary M. Epstein  
Chief, Common Carrier Bureau

**CERTIFICATE OF SERVICE**

I, Brenda K. Dinan, hereby certify that the Reply of Southwestern Bell Telephone Company, Pacific Bell Telephone Company, and Nevada Bell Telephone Company CC Docket No. 96-149 has been served July 25, 1997, to the Parties of Record.

A handwritten signature in cursive script that reads "Brenda K. Dinan". The signature is written in dark ink and is positioned above the printed name.

Brenda K. Dinan

July 25, 1997

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